



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,986	10/11/2002	Torsten Baier	449122014700	8734

25227 7590 10/06/2003
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
----------	--------------

3663

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/031,986

Applicant(s)

BAIER, TORSTEN

Examiner

Ronnie Mancho

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81.

No new matter may be introduced in the required drawing.

Claim Objections

2. Claim 1 objected to because of the following informalities:

In claim 1, the applicant is advised to use proper missing words and punctuation to avoid run-on sentences in the claim. The examiner has interpreted the claims as best understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1&2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claim limitations are confusing to the examiner. The applicant is advised to rewrite the claims in proper idiomatic English for understanding.

Claim 2 is rejected for depending on rejected claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Long et al (5239472).

Regarding claim 1, Long et al (based on applicant's admission in the abstract and in the disclosure. A copy of the a page of the PCT disclosure is provided attached to Long et al) discloses a device of a rail vehicle, comprising:

a computing unit in the rail vehicle, wherein the computing unit determines:

a distance between the rail vehicle and a stopping point using a measured location measuring value that specifies a location of the rail vehicle;

a predefined stored route data;

remaining travel time to the stopping point using a measured time measuring value which specifies the time;

a predefined stored timetable; and

a deactivation time in the rail vehicle based at least partially on the distance determined, the remaining travel time determined, a speed measured value specifying the speed of the rail vehicle, and a predefined coasting data corresponding to the coasting behavior of the rail vehicle when the drive is deactivated, wherein the rail vehicle reaches the stopping point according to the timetable starting from the deactivation time; and

an output device which is connected to the computing unit, wherein the computing unit generates a deactivation signal which specifies the deactivation time;

a data input at which a timetable modification variable can be input into the device, wherein the computing unit is configured such that, when a timetable modification variable is input, a modified timetable is formed using the predefined stored timetable and the timetable modification variable, wherein the computing unit determines the travel time remaining and the deactivation time based at least partially on the modified timetable, and wherein the computing unit is configured such that it forms the modified timetable by adding the timetable modification variable to each predefined time information item of the stored timetable. (Long et al, abstract; cols. 2-8).

Regarding claim 2, Long et al (based on applicant's admission in the disclosure, a copy of the a page of the PCT disclosure is provided attached to Long et al) discloses the device as claimed in claim 1, wherein the computing unit is configured such that it determines the deactivation time while taking into account a predefined braking profile and a predefined minimum speed, during a downward transgression of which the rail vehicle is braked while driving travel toward the stopping point, in accordance with the predefined braking profile.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: 6125311, 2003/0105561, 2001/0029411, 6332107, and 6332106 all disclose controlling a train.

Art Unit: 3663

Communication

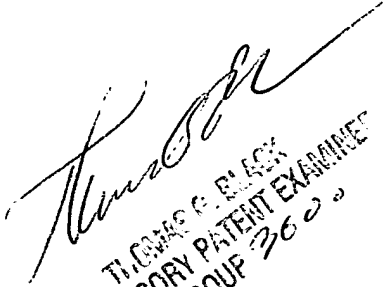
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3663

September 30, 2003.


THOMAS C. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3663